

AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Kenneth Brett Hartley

Case No.

Case: 2:21-mj-30074

Assigned To : Unassigned

Assign. Date : 2/11/2021

Description: USA V. KENNETH
BRETT HARTLEY

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 2010 through December 16, 2020 in the county of Wayne and elsewhere in the

Eastern District of Michigan, the defendant(s) violated:

Code Section

18 USC §§ 2251(a) and (e)
18 USC § 2252A(a)(2)(A)
18 USC § 2252A(a)(5)(B)
18 USC § 2422(b)

Offense Description

Producing, attempting to produce, & conspiracy to produce child pornography
Receipt and distribution of child pornography
Possession of child pornography
Coercion and enticement of a minor to engage in unlawful sexual activity

This criminal complaint is based on these facts:

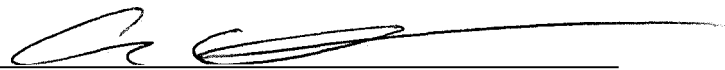
see attached affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: February 11, 2021

City and state: Detroit, Michigan



Complainant's signature

Adam Christensen, Special Agent (FBI)

Printed name and title



Judge's signature

Hon. Kimberly G. Altman, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
COMPLAINT AND ARREST WARRANT**

I, Adam Christensen, having been first duly sworn, do hereby depose and state as follows:

I. INTRODUCTION

1. I have been employed as a Special Agent of the FBI since 2010, and am currently assigned to the Detroit Division. While employed by the FBI, I have investigated federal criminal violations related to child exploitation, and child pornography. I have gained experience through training and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including 18 U.S.C. §§ 2251, 2252A, and 2422, and I am authorized by the Attorney General to request an arrest warrant.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for **Kenneth Brett Hartley** (date of birth XX/XX/1969) for violations of 18 U.S.C. §§ 2251(a) and (e) (producing, attempting to produce, and conspiracy to produce child pornography), 2252A(a)(2)(A) (receipt and distribution of child pornography), 2252A(a)(5)(B) (possession of child pornography), and 2422(b)

(coercion and enticement of a minor).

3. The statements contained in this affidavit are based in part on: written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation and analysis by law enforcement officers/analysts and computer forensic professionals; and my experience, training and background as a Special Agent (SA) with the FBI. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested arrest warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause that **Hartley** has violated Title 18 U.S.C. §§ 2251(a) and (e), 2252A(a)(2)(A), 2252A(a)(5)(B), and 2422(b).

II. BACKGROUND OF INVESTIGATION

4. On May 16, 2020, an FBI online covert employee (OCE) was logged into the smartphone application LiveMe, a free mobile application that permits users to stream live video of themselves to an anonymous audience of fellow LiveMe users. LiveMe also allows users to create groups where like-minded individuals can communicate with other users through text and post videos and images. The FBI OCE observed a user with profile identifier 217560369 using the screen name “I’m Here For U”. This user was found to be member of known child pornography

distribution groups, including “LoveCP”, “Wonderland”, “Boys and Girls Fam”, and “Lil ones! Trades”.

5. The FBI OCE further observed that the user with profile identifier 217560369 posted three images to the group “LoveCP”. The group “LoveCP” had the description, “Upon entering the group u need to trade CP if not u will be kicked out. All CP welcome”. The image used for the group was of a minor female, approximately 7 to 10 years old with a bra and panties on and her legs spread. In your affiant’s knowledge and experience, this image meets the Federal definition of child pornography.

6. The three images posted by 217560369 in the “LoveCP” group were of the same minor female who is approximately 8 to 12 years old shown on a bed with a training bra and underwear on. The first image posted shows the minor female lifting the training bra to expose her breasts. The second shows the minor female looking at the camera with her hands on her hips suggesting she is pushing down her underwear. The third image shows the minor female on all fours with her underwear pulled down to expose her vagina and anus.

7. On May 22, 2020, an administrative subpoena was issued to Live Me America, Inc., the owner of LiveMe, for subscriber information for the LiveMe profile identifier 217560369. On or about May 31, 2020, LiveMe responded with

information that showed the subscriber of this account consistently used the IP address 99.93.1.175.

8. Open source information showed that IP address 99.93.1.175 is owned by AT&T. A subpoena was issued to AT&T for subscriber information associated with the IP address 99.93.1.175. On June 3, 2020, AT&T responded with information that showed the subscriber was located at 2XXXX Richard Street, Taylor, Michigan 48180.

9. A check of open source information showed that current residents at the Richard Street address include Kenneth Brett **Hartley**. Michigan Secretary of State information also showed that licensed drivers at the Richard Street address included Kenneth Brett **Hartley**.

10. Based in part on the information detailed above, a search warrant was authorized in the Eastern District of Michigan on December 11, 2020 for the residence of **Hartley**, 2XXXX Richard Street, Taylor, Michigan 48180. The search warrant was executed on December 16, 2020. **Hartley** was present at the residence. **Hartley** voluntarily agreed to be interviewed. During the interview, **Hartley** stated that he had resided at the residence for approximately the last ten years. **Hartley** acknowledged that he had seen images of child pornography but denied possessing those images on his devices and denied posting child pornography images online.

11. A female who had a previous relationship with **Hartley**, hereafter referred to as Witness 1, was also interviewed on December 16, 2020. During the interview she stated she had ended her relationship with **Hartley** because she had found images of nude children on a laptop **Hartley** had been using. She had also found communications between **Hartley** and what appeared to minor males that were sexual in nature on the device. Witness 1 was still in possession of the laptop and provided it to your affiant and provided consent to search it.

12. Forensic review of the items seized from **Hartley's** residence, specifically from his bedroom or his person, and the laptop received from Witness 1, has confirmed that **Hartley** was in possession of over 30,000 images and videos that meet the Federal definition of child pornography, many of which were duplicates. Thus far, 5,053 unique images and 548 unique videos have been found on these devices.

13. Review has also corroborated Witness 1's statement that she found communications between **Hartley** and apparent minor children that were sexual in nature. Thus far, your affiant has found chats with over 30 potential minors in which child pornography was requested or produced by **Hartley**. These chats began primarily on Skype in 2010 and switched over to Kik on or about 2014.

14. One such chat was with a minor male, hereafter referred to as Minor Victim 1 (MV1), who resides in the Eastern District of Michigan and has a date of

birth in 1995. The chat was from April 2010, so MV1 was fifteen years old during the time of the chat. During the chat **Hartley** poses as a minor female using username inmyrooom and display name of Taylor, and sent sexually graphic images to MV1. **Hartley** then convinces MV1 to get on video and expose his genitals. One example of this from the chat was from April 25, 2010 (this is only a part of the conversation from that day between **Hartley** and MV1, all errors in the original):

inmyrooom: can isee it now

inmyrooom: i want to see it before your hard and as you get hard

inmyrooom: let me see it baby

inmyrooom: PLEASE

MV1: i aint hard yet though

inmyrooom: ITS OK..i want to see you get hard baby

MV1: di u see it

inmyrooom: oh yes...cant you get naked

MV1: there

inmyrooom: oh yes...thats soo hot

inmyrooom: keep goin..dont stop

inmyrooom: i want to see you cum baby....cum for me

MV1: i cant i aint hard and my fav vid aint doing it for me]\

inmyrooom: ;(

inmyrooom: what about my pics

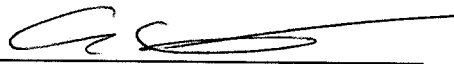
MV1: hot as hell

15. MV1 was interviewed on January 29, 2021. He confirmed that the Skype username shown in the chats were him and that he had appeared nude and displayed his genitals on video chat with the user inmyroom whom he believed was a minor female. He recalled meeting the user on another social media website or possibly a game and that the user had sent an image of a thin blond females nude chest.


III. CONCLUSION

16. Based on the foregoing, there is probable cause to believe **Kenneth Brett Hartley** has produced or attempted to produce or was in a conspiracy to produce child pornography in violation Title 18 U.S.C. §§ 2251(a) and (e), received and distributed child pornography, in violation of Title 18 U.S.C. § 2252A(a)(2)(A), possessed child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), and coerced and enticed a minor, in violation of Title 18 U.S.C. § 2422(b).

Respectfully submitted,


Adam Christensen, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means.


HON. KIMBERLY G. ALTMAN
UNITED STATES MAGISTRATE JUDGE

Date: February 11, 2021